

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Phillip Scott Scherrer

v.

Case No. 08-cv-2-SM

United States of America

ORDER

Re: Document No. 27, Objection to Assented to Motion for  
Hearing

Ruling: Objection overruled. The government apparently contests the factual premise underlying the petition, i.e. that drugs administered before the plea hearing rendered petitioner incapable of entering a knowing, voluntary, and intelligent plea to any criminal charge. An evidentiary hearing is necessary, assuming, as the government suggests, that evidence beyond the contents of the psychological reports will be offered. Counsel may, but are not required, to stipulate to the contents of the psychological reports as fairly setting out what the live testimony of the authors would be.

  
Steven J. McAuliffe  
Chief Judge

Date: November 9, 2009

cc: Liam D. Scully, Esq.  
Aixa Maldonado-Quinones, AUSA